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13 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 JOSE VARGAS JR., on behalf of
18 himself and all others similarly
19 situated and on behalf of the
20 general public,

CASE NO.: 07-cv-3802 WHA

21 Plaintiff,

22 v.

23 NETFLIX INC., et al.,

DECLARATION OF JOSE VARGAS JR.
DISMISSAL

24 Defendants.
25 _____/

26 I, Jose Vargas Jr., declare the following:

27 I am the named plaintiff in the above captioned action and am a resident of Alameda County,
28 California.

My attorney, Reginald Terrell, informs me the parties in this litigation have not reached an agreement under which defendants will pay plaintiffs as a class fund for distribution to class members to dismiss the above-entitled action against defendants without prejudice. However, I wish to dismiss this action without prejudice.

1 I have not received any consideration of any kind, direct or indirect, for agreeing to this
2 dismissal.

3 I declare under penalty of perjury pursuant to the laws of this state and of the United States
4 of America that the above is true and correct.

5 Dated: 10-16-2007


JOSE VARGAS JR.